

## **Remarks**

### **1. Summary of Office Action**

In the Office Action mailed August 27, 2007, the Examiner rejected claims 1-10 and 17-22 on the grounds of nonstatutory double patenting over claim 1 of U.S. Patent No. 6,678,250 ('250) in view of U.S. Patent No. 5,961,599 (Kalavade). The Examiner also rejected claim 16 on the grounds of nonstatutory double patenting over claim 1 of '250. The Examiner indicated that claims 1-10 and 16-22 would be allowable if a terminal disclaimer is filed with respect to '250.

### **2. Status of Claims**

Currently pending are claims 1-10 and 16-22, of which claims 1 and 16 are independent, and the remainder are dependent. Applicants have amended each of claims 20, 21, and 22 in order to correct a minor, typographical error. Specifically, the word "monitoring" appeared twice in a row in each of these claims. The amendment corrects this inadvertent error. No new matter has been added, nor has the scope of any of these claims been altered, by way of these amendments.

### **3. Response to Rejections on grounds of Nonstatutory Double Patenting**

The Examiner rejected claims 1-10 and 17-22 on the grounds of nonstatutory double patenting over claim 1 of '250 in view of Kalavade. The Examiner also rejected claim 16 on the grounds of nonstatutory double patenting over claim 1 of '250. The Examiner indicated that claims 1-10 and 16-22 would be allowable if a terminal disclaimer is filed with respect to '250.

Applicants submit herewith a terminal disclaimer to overcome the rejections on the grounds of nonstatutory double patenting. Applicants respectfully request the Examiner therefore withdraw the rejections of claims 1-10, 17-22, and 16.

Additionally, Applicants reiterate that they do not concede the Examiner's arguments with respect to Kalavade making up for any deficiency of claim 1 of '250 as applied to claim 1-10 and 17-22 of the present application.

#### **4. Conclusion**

In light of the above remarks, Applicants submit that the application is in good and proper form for allowance and respectfully requests the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned patent agent, at 312-913-3353.

Respectfully submitted,

**McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP**

Date: July 3, 2008

By: /David A. Grabelsky/  
David A. Grabelsky  
Reg. No. 59,208